

047011041

Affidavit on Behalf of Character Claimants

SS. :

1. I am the President of Harvey Cartoons, one of the character claimants in this proceeding. I am fully familiar with claimant's business and operations, including the matters relating to the subject of this cable royalty distribution proceeding.

2. Harvey Cartoons is, and throughout 1978 was, the owner of copyright in certain pictorial, graphic and sculptural works, namely, well-known, distinctive and popular visual characters, including, among others, each of the following:

- (a) WENDY;
- (b) CASPER;
- (c) LITTLE AUDREY;
- (d) HERMAN;
- (e) KATNIP;
- (f) BABY HUEY;
- (g) BUZZY;
- (h) SPOOKY;

- (i) TOMMY TORTOISE;
- (j) MOE HARE;
- (k) NIGHTMARE, and
- (l) THE GHOSTLY TRIO.

3. The copyrighted works, i.e., the copyrighted characters described in Paragraph 2, were included in the following non-network or syndicated television programs or series broadcast during 1978:

- (a) "WENDY THE GOOD LITTLE WITCH", featuring WENDY;
- (b) "CASPER THE FRIENDLY GHOST", featuring CASPER;
- (c) "LITTLE AUDREY", featuring LITTLE AUDREY;
- (d) "HERMAN AND KATNIP", featuring HERMAN AND KATNIP;
- (e) "BABY HUEY", featuring BABY HUEY;
- (f) "BUZZY THE FUNNY CROW", featuring BUZZY;
- (g) "SPOOKY THE TUFF LITTLE GHOST", featuring SPOOKY;
- (h) "TOMMY TORTOISE AND MOE HARE, featuring TOMMY TORTOISE and MOE HARE;
- (i) "NIGHTMARE, THE GALLOPING GHOST" featuring, NIGHTMARE, and
- (j) "THE GHOSTLY TRIO", featuring the GHOSTLY TRIO.

4. Of the programs listed above, "CASPER THE FRIENDLY GHOST" was included in the Arbitron Television Syndicated Program Analysis Audience Estimates of November, 1978, and there are attached hereto copies of the reports of the Arbitron Analysis showing the markets and broadcast stations on which such program was syndicated in 1978.

5. To the best of my knowledge and belief, each of the foregoing copyrighted works or characters was likewise included in distant non-network retransmissions made by cable systems during 1978. For example, the character CASPER was included in retransmission of "CASPER THE FRIENDLY GHOST" by Warner Cable of Clairemont from Station WLVI.

6. Visual representations of our characters are annexed to this affidavit. Our copyrighted characters were included without transformation in appearance or identity in the television programs identified above. Thus, each character continued to retain its independent existence, its immediately recognizable identity and its distinctive appeal apart from and, indeed, paramount to the particular stories, settings or other programming material in which the character was included.

Agnes Harvey

Sworn to before me this
19 day of March, 1980

Ruth J. Henenfeld
Notary Public
RUTH J. HENENFELD
Notary Public, State of New York
No. 31-6852200
Qualified in New York County
Commission Expires March 30, 1980